IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 9662 of 2007(A)

PETITIONER:

A.A.CELINE, ASSISTANT SOIL CHEMIST,
MOBILE SOIL TESTING LABORATORY, KOZHA P.O.,
VIA. KURAVILANGAD, KOTTAYAM.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT,
AGRICULTURAL DEPARTMENT, GOVT.SECRETARIAT,
TRIVANDRUM.

2. THE DEPARTMENTAL PROMOTION COMMITTEE
(HIGHER), FOR PROMOTION TO THE CADRE OF DEPUTY
DIRECTOR REPRESENTED BY ITS CONVENOR, THE
PRINCIPAL SECRETARY TO GOVERNMENT, AGRICULTURAL
DEPARTMENT, GOVT.SECRETARIAT, TRIVANDRUM.

3. THE DIRECTOR OF AGRICULTURE,
VIKAS BHAVAN, TRIVANDRUM.

BY G.P. SRI BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C) No.9662 of 2007

DT. MARCH 23, 2007

JUDGMENT

Petitioner is stated to be working as Assistant Soil Chemist in the cadre of Assistant Director in the department of Agriculture under the Government of Kerala. Her grievance is that her name is not likely to be considered by the Departmental Promotion Committee while finalising the select list of eligible candidates for promotion to the post of Deputy Director in view of pendency of certain disciplinary proceedings against her. Petitioner has a specific cased that such proceedings have lost their teeth in view of the order passed by the Enquiry Commissioner and Special Judge, Kozhikode on Ext.P3 final report submitted by the police. However, petitioner concedes that the proceedings pursuant to Exts.P1 and P2 have not yet been concluded.

2. I do not propose to refer to or deal with the various contentions raised by the petitioner at this stage in view of the limited prayer made by the learned counsel for the petitioner at the Bar. He submits that the petitioner will be satisfied if an appropriate direction is issued to respondents Nos.1 and 2 to consider and pass orders on Exts.P4 to P6 representations submitted by the petitioner in this regard expeditiously. However, learned counsel apprehends that the departmental promotion committee may not consider the name of the petitioner in view of the pendency of the proceedings mentioned above. Therefore, he prays that an appropriate direction may also be issued to allay the above apprehension of the petitioner.

3. Having regard to the totality of the facts and circumstances of the case I am satisfied that this writ petition can be disposed of with a direction to respondent No.1 to consider and pass orders on Exts.P4 to P6 strictly on their merit and in accordance with law as expeditiously as possible, at any rate within two moths from the date of receipt of a copy of this judgment. It must be ensured by respondents No.1 that the petitioner is afforded sufficient opportunity to be heard before any decision is taken. If, in the meanwhile, the departmental promotion committee is likely to meet, respondents Nos.1 and 2 may issue appropriate orders to adopt sealed cover procedure in the case of the petitioner in accordance with law.

A.K.BASHEER, J.

mt/-